

1 STEPHEN CLARK BUILDING GOVERNMENT CENTER
2 MIAMI-DADE COUNTY BOARD OF COUNTY COMMISSIONERS
3 111 NW FIRST STREET, COMMISSION CHAMBERS
4 Thursday, October 6, 2011

5 ITEM

6 DOWNTOWN DADELAND RETAIL, LLC
7 (10-044)

8 Board of County Commissioners
9 (Present)

10 Audrey Edmonson, Vice Chairwoman
11 Bruno A. Barreiro
12 Barbara Jordan
13 Dennis C. Moss
14 Senator Javier Souto
15 Esteban Bovo, Jr.
16 Lynda Bell
17 Xavier L. Suarez
18 Jean Monestime

15 County Attorney's Office

16 Craig Collier and John McInnis
17 Assistant County Attorneys

18 Staff

19 Marc C. LaFerrier
20 Director of Planning & Zoning

21 Grisel Rodriguez
22 Assistant Director of Zoning

23 On behalf of the Applicant

24 Ben Fernandez, Esq.
25

I N D E X

VICE CHAIRWOMAN EDMONSON: 3-6, 17-19, 21, 23-24, 27, 32-33, 35-38, 43-47, 50-55, 64, 72-73, 75, 77, 80-82, 84-88, 91-99.

COMMISSIONER MOSS: 32, 43, 64-65, 67-71, 86, 93.

COMMISSIONER SUAREZ: 47-51, 88-94.

COMMISSIONER BELL: 51-55, 88, 98.

COMMISSIONER HEYMAN: 55-64, 85-86, 91, 98.

COMMISSIONER BARREIRO: 72-73.

COMMISSIONER SOUTO: 73-77.

COMMISSIONER JORDAN: 77-79, 98.

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MR. LaFERRIER: 3-6, 47-50, 53, 65-72, 78-79, 82-85, 92-94.

MR. COLLIER: 84-85, 91-93, 97, 99.

ON BEHALF OF THE APPLICANT

MR. FERNANDEZ: 6-17, 27, 37-44, 46, 57-58, 60-61, 63, 72-73, 77-78, 80, 84-86, 93-99.

MR. ALDECOA: 19-21.

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OBJECTORS

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MR. GUZMAN: 21-23.

MR. MOLDER: 23-32, 45-46, 95-96.

MR. DONELAN: 32-36.

MR. REKER: 36-37.

1 VICE CHAIRWOMAN EDMONSON: Good
2 morning, everyone, and welcome to the
3 zoning meeting for October 6, 2011.

4 Would everyone please stand for a
5 moment of silence, followed by the Pledge
6 of Allegiance.

7 (Moment of Silence).

8 (Pledge of Allegiance).

9 VICE CHAIRWOMAN EDMONSON: Good
10 morning.

11 Mr. Director, could you please --

12 MR. LaFERRIER: Good morning, Madam
13 Chair; good morning, Commissioners. This
14 morning's zoning agenda includes five
15 agenda items.

16 I'll read now the Statement of Notice
17 of Records.

18 In accordance with Miami-Dade County,
19 all items will be heard today have been
20 legally advertised in the newspaper,
21 notices have been mailed and the
22 properties have been posted. Additional
23 copies of the agenda are available here in
24 the chambers.

25 Items will be called up to be heard

1 by agenda number and name of applicant.

2 The record and the file of the
3 hearing for each application will include
4 documents from the public, agencies, and
5 the Department of Environment and
6 Regulatory Affairs. And where there's an
7 appeal from the Community Zoning Appeal
8 Boards, we also have the transcripts from
9 those hearings.

10 All documents today are physically
11 present, available to all interested
12 parties and available to Members of the
13 Board of County Commissioners, who may
14 examine these items from the record during
15 the hearing.

16 Parties have the right to
17 cross-examination.

18 This statement, along with the fact
19 that all witnesses have been sworn, should
20 be included in any -- in any and all
21 transcripts of these proceedings.

22 In addition, there's an official
23 translator present in the chambers for
24 those individuals requiring such
25 assistance.

1 Madam Clerk, can you please swear in
2 the witnesses.

3 THE CLERK: Please stand and raise
4 your right hand.

5 Do you solemnly swear that the
6 testimony you're about to give is the
7 truth, the whole truth and nothing but the
8 truth, so help you God.

9 (All swear).

10 THE CLERK: Thank you.

11 * * * * *

12 MR. LaFERRIER: Madam Chair, before
13 the next item, I'd like to take a moment
14 for the Clerk to also swear in the
15 translators.

16 VICE CHAIRWOMAN EDMONSON: The
17 translators, come on down.

18 THE CLERK: Raise your right hand.
19 Do you swear or affirm that you will make
20 a true interpretation of the questions
21 asked and the testimony given?

22 THE INTERPRETER: I swear.

23 THE INTERPRETER: I do.

24 THE CLERK: Thank you.

25 VICE CHAIRWOMAN EDMONSON: Thank you,

1 Madam Clerk.

2 * * * * *

3 VICE CHAIRWOMAN EDMONSON: Okay.

4 Now, I think we move on to the agenda.

5 MR. LaFERRIER: Yes. Your first
6 public hearing this morning,
7 Commissioners, is an application from
8 Downtown Dadeland Retail, LLC. It's an
9 appeal to a CZAB decision denying sign
10 variances in the Downtown Kendall Urban
11 Center District. The Hearing Number is
12 1044. And on this application, we've had
13 one protest and zero waivers.

14 VICE CHAIRWOMAN EDMONSON: Okay.
15 Thank you. And I'll open the public
16 hearing. Public hearing is open, and I do
17 have some cards on this.

18 You want to make a statement, sir?

19 MR. FERNANDEZ: Yes.

20 THE CLERK: Before --

21 VICE CHAIRWOMAN EDMONSON: Okay, go
22 ahead.

23 MR. FERNANDEZ: Good morning, Madam
24 Chair, Members of the Board, my name is
25 Ben Fernandez. I'm an attorney with law

1 offices of Bercow Radell and Fernandez,
2 200 South Biscayne Boulevard. I'm here
3 this morning on behalf of Downtown
4 Dadeland Retail, LLC, which is the owner
5 of the commercial units within the
6 Downtown Dadeland Development. It's the
7 subject of this underlying application and
8 this appeal.

9 With me this morning is Ms.
10 Jacqueline Bulay (phonetic), the property
11 manager for Downtown Dadeland commercial
12 areas. Mr. Jorge Aldecoa, the Retail
13 Director from the Continental Group
14 Realty, as well as our private architect,
15 Mr. Tadao Shimuzu from Ad, Inc.,
16 architects.

17 Downtown Dadeland is a large
18 commercial mixed-use project. It has over
19 127,000 square feet of commercial areas in
20 seven different buildings that are
21 approximately seven stories tall each.
22 It's pretty easy to remember. And they're
23 located on approximately seven acres.
24 This is right in the middle of Downtown
25 Dadeland. It is across the street from

1 the mall, between 72nd Court and Dadeland
2 Boulevard. It's across from the
3 BrandsMart shopping center, that some of
4 you may be familiar with, and it is also
5 directly abutting the Metrorail station to
6 the south.

7 The location is the heart of the
8 Downtown Kendall Urban Center District.
9 And as the regulations refer to that
10 district, it is the core area of the
11 district. And that's important for you to
12 consider as you hear our appeal this
13 morning, because the core district is a
14 zoning district that is specifically
15 intended to create a Metropolitan urban
16 center. Unlike other zoning districts,
17 this one encourages you to foster urban
18 development and to create pedestrian
19 connectivity between transit and mass
20 transit corridors.

21 Downtown Dadeland's application, it's
22 our position, that our application
23 furthers the intent of the Downtown
24 Kendall Urban Center District regulations,
25 because we're proposing banner signage

1 that will improve pedestrian connectivity
2 and vehicular connectivity between the
3 commercial areas of the project and the
4 Metrorail station and the perimeter
5 streets.

6 In addition to this, our -- in
7 addition to this, our application is also
8 going to help fill up the large amount of
9 vacant commercial space at Dadeland
10 retail, at Downtown Dadeland.

11 I regret to inform you that since
12 2006, since the project's inception, the
13 commercial vacancy rate has been over 50%.
14 It's currently at 58.33%. And this isn't
15 simply attributable to the downturn in the
16 economy that we're all facing. This is
17 the result of a physical problem with the
18 center. And, that is, that a majority of
19 the commercial space is internalized and
20 has no exposure to the perimeter streets,
21 to the Metrorail station, to Dadeland
22 Boulevard, et cetera.

23 You can see from some of these
24 photographs on your monitors that this,
25 for instance, is the center street that

1 has absolutely no guidance for vehicular
2 traffic or pedestrian traffic. This is
3 Dadeland Boulevard. If you get off of the
4 train, where do you go? Every building
5 looks the same. It's a flat facade. It's
6 sort of a nondescript series of buildings.
7 This is another shot. You can see the
8 Metrorail station in the back.

9 Here is a shot of Dadeland Boulevard
10 looking towards Dadeland Mall. That is a
11 very long stretch of roadway, and there's
12 nothing there. There's absolutely no
13 cantilever signage that's there or large
14 enough to provide any kind of notice to
15 someone driving, looking for a retail
16 center, much less looking for a retail
17 shop that's within the shopping center.

18 So this is Kendall Drive, same
19 situation. This isn't an urban condition.
20 This is an urban -- supposed to be an
21 urban center. This is supposed to be a
22 Metropolitan urban center. If we're an
23 urban city, we're supposed to guide people
24 that are driving, people that are walking
25 off of trains. They're supposed to know

1 where they're going. Someone gets off of
2 this train, they're lost.

3 So to resolve that problem, we're
4 requesting a non-use variance that will
5 allow tenants to have banner signage that
6 ranges from 28 square feet in size to 51
7 square feet in size, depending on the
8 location within the project. The banners
9 are essentially aesthetic point of sale
10 signs designed to identify the commercial
11 tenants and to reflect the Downtown
12 Dadeland's urban character. They consist
13 of translucent perforated material that's
14 durable and it's employed in many similar
15 centers throughout the country. The
16 banners will further articulate the
17 facades of the building, which you'll hear
18 from our architect, that's really
19 something that would help the project, to
20 provide a little bit more articulation on
21 some of those very flat facades that you
22 saw.

23 Your professional staff agrees --
24 here's another shot. It shows you how
25 translucent the signs will be. Your

1 professional staff agrees that the
2 proposed banners are consistent with the
3 scale and the character of these large
4 buildings and that the signage will also
5 be consistent with the Downtown Kendall
6 Urban Center code.

7 In addition, they agree that the
8 banners will direct people from the
9 Metrorail station and from the surrounding
10 streets.

11 Numerous tenants have also expressed
12 to the property managers that they would
13 consider leasing space at this location,
14 but for the lack of signage and exposure
15 to the surrounding area. We have letters
16 from two of the tenants, Lime Grill, and
17 these are in your package as well that
18 Melissa is going to be distributing to you
19 in a moment, and we have also a letter
20 from the World of Beer, which is a tenant
21 in the building as well, indicating that,
22 you know, their sales could certainly
23 improve if they had additional signage.

24 Now, you're going to hear from a
25 representative of one of the associations.

1 There are several associations within the
2 development. They're going to tell you
3 that they oppose this concept. I would
4 submit to you that this is a limited group
5 of people within the development. These
6 are seven buildings with multiple
7 associations. All of the commercial
8 tenants are in favor of this.

9 We have met with the association in
10 the past, and reduced the banner sizes and
11 the height of the banners in response to
12 our meetings with them and in response to
13 our meetings with the Community Council.

14 The first time we lowered the
15 mounting height of the banners by one
16 floor. Instead of them spanning to the
17 second and third floor, they only reached
18 the second floor.

19 We also reduced the size of the
20 banners themselves from 46 feet (sic) to
21 42 feet (sic).

22 Then last month, we met with your
23 Director, Director LaFerrier, and in
24 response to that meeting, we further
25 reduced the signs -- the size of the

1 signs.

2 Tadao, will you bring up that
3 exhibit.

4 This image on your screen indicates
5 the reductions moving from the left of the
6 screen to the right of the screen. You
7 see the initial iteration of the plan. In
8 the middle, you see the subsequent
9 reduction in size that we proffered to the
10 Community Council, the first reduction.
11 And then the third image is the final
12 reduction where we agree to reduce the
13 size of the signage from 46 square feet in
14 size to 28 square feet in size along
15 Southwest 72nd Court and along Southwest
16 72nd Place. And those are the locations.
17 Tadao, you can help on the site plan, show
18 where that's located. That's the street
19 that runs right down the middle of the
20 project. That will have smaller signs.
21 And 72nd Court will also have smaller
22 signs.

23 We also agree to entirely remove the
24 banner signs from Building G, which abuts
25 the Metrorail station.

1 Therefore, we believe that at this
2 point our application is very reasonable,
3 and it's really the minimum amount of
4 banner signage that's necessary in order
5 to be effective.

6 If I can give you a perspective of
7 what the size of the sign is in relation
8 to the building that it will be affixed
9 to. The buildings along Kendall Drive,
10 one of them has a facade of 7,357 square
11 feet. That's the size of the facade. The
12 proposed sign, at 46 square feet, would be
13 less than 1% of the total facade area.

14 The other building, Building B on
15 Kendall Drive, has a wall area of 8,895
16 square feet. A banner size of 46 square
17 feet would similarly have a -- would
18 similarly be less than 1%, .62% of the
19 total wall area.

20 So we believe that, again, the
21 application is extremely reasonable. It's
22 going to make the building more attractive
23 than it is by articulating the facades,
24 and it's going to further the intent of
25 the Downtown Kendall Urban Center District

1 by fostering the connectivity and
2 promoting the urban character of the
3 district, that the district calls for.

4 Your professional staff
5 recommendation recognizes that the sign
6 regulations, as applicable to this
7 particular property, are inadequate, and
8 that's due to the fact that the
9 development is so internalized. So staff
10 has looked at this and recognized that the
11 variance is justified, because this is a
12 unique situation. It is not applicable to
13 every other property within Downtown
14 Dadeland. It is something that should
15 have been addressed originally through the
16 design approval, but of course this was a
17 charrette. It's a relatively new type of
18 zoning district and this is the first
19 major project within the downtown -- the
20 new Downtown Kendall Urban Center, so it
21 needs to be tweaked.

22 Putting everything else aside, the
23 bottom line here is, the Downtown Dadeland
24 needs a presence. The commercial area
25 needs a presence on the perimeter streets.

1 And our banner proposal is extremely
2 reasonable. It is attractive. It is
3 exactly the type of urban character that's
4 found in other major cities throughout the
5 United States.

6 And we believe that for all those
7 reasons, you should grant our appeal,
8 support our application. We'd like to
9 reserve some time for rebuttal, if
10 necessary.

11 Thank you very much for your time.

12 VICE CHAIRWOMAN EDMONSON: Okay. And
13 thank you.

14 Okay. And now I have some cards
15 here. And we'll start out with Philip
16 Arana, I think.

17 MR. ARANA: Yes.

18 VICE CHAIRWOMAN EDMONSON: Please
19 come forward. Nanette Arana, you can take
20 the other lectern.

21 MS. ARANA: I'll allow him to take my
22 time for me.

23 VICE CHAIRWOMAN EDMONSON: That's
24 fine.

25 Jorge Aldecoa.

1 MR. ALDECOA: Yes.

2 VICE CHAIRWOMAN EDMONSON: Please
3 come forward and take the other lectern.
4 And he will be followed by David Carcache
5 Guzman and then Jason L. Molder.

6 Sir.

7 MR. ARANA: May I speak?

8 VICE CHAIRWOMAN EDMONSON: Yes.

9 MR. ARANA: My name is Philip Arana.
10 I'm a unit owner in Building A of the
11 development. And I'm really totally
12 opposed to this. Our unit is on the
13 second floor. And we bought the original
14 concept of this project, because it
15 offered privacy in the middle of a very
16 developed area. It's got access to the
17 Metrorail. I mean, for myself and my
18 Miss, my wife, it's very convenient, but
19 we don't -- we did not want to get into
20 something that is extremely commercial,
21 that has noise, that's got banners outside
22 our windows. We definitely don't want
23 that. We made an investment, which for us
24 was substantial. And we like the original
25 concept and we don't want it changed. We

1 don't want these banners outside our
2 windows. I mean, it just destroys our
3 privacy. Thank you very much.

4 VICE CHAIRWOMAN EDMONSON: Okay. And
5 thank you.

6 Mr. Al --

7 MR. ALDECOA: Yes, Hi, I'm the --

8 VICE CHAIRWOMAN EDMONSON: How do you
9 pronounce your name?

10 MR. ALDECOA: Aldecoa. And I'm part
11 of the management team. And I just wanted
12 to --

13 VICE CHAIRWOMAN EDMONSON: Okay, but
14 state your full name.

15 MR. ALDECOA: Jorge Aldecoa, 4951
16 Southwest 152nd Terrace, Miramar, Florida.

17 VICE CHAIRWOMAN EDMONSON: Thank you.

18 MR. ALDECOA: I'm part of the
19 management team over at Downtown Dadeland.

20 And I wanted to reiterate that the
21 design of this community was that
22 mixed-use urban development, where there's
23 that retail on the bottom; there's the
24 residential above. And it's a buzzing
25 community, where people are interacting,

1 things are going on, people are shopping,
2 walking around, restaurants, the whole
3 nine yards. To date, that really can't
4 take place without this signage. This
5 signage is a necessity to the success of
6 this community.

7 As it stands, you drive down the
8 middle of the center, which is 72nd Court,
9 I believe, it's a ghost town and nobody
10 wants to open a business in that area,
11 because they're afraid that nobody is
12 going to be able to see them, that nobody
13 is going to be able to get to them.
14 There's no directional sign. There's
15 nothing to guide prospective clients,
16 prospective customers to these businesses.
17 And as a result, the center continues to
18 be over 50% vacant, despite our best
19 efforts.

20 The only real solution we have to
21 make this a success is to put these signs
22 in place, something to really help this
23 center. We've -- as the architects
24 explained, we've reduced the signage size
25 quite a bit as to try to accommodate the

1 residents as best possible. And they are
2 not blocking the windows as they were.
3 We've reduced them dramatically.

4 And this is a mixed-use center. They
5 have to expect there to be retail on the
6 bottom. They have to expect there to be
7 -- it's that type of community, it's mixed
8 use. And the only way for this work is
9 with the sign package of this nature.
10 That's all I have to say.

11 VICE CHAIRWOMAN EDMONSON: Okay,
12 thank you.

13 Mr. Guzman.

14 MR. GUZMAN: Good morning,
15 Chairwoman. Good morning, Commissioners.

16 VICE CHAIRWOMAN EDMONSON: Mr.
17 Molder, could you take the other lectern.

18 MR. GUZMAN: Good morning,
19 Commissioner Suarez, David Carcache
20 Guzman, 8910 Southwest 95th Avenue, Miami,
21 Florida 33176.

22 This item came before Community
23 Council 12 the first time on Thursday,
24 November 18th. Then they came before
25 Community Council 12 again on Thursday,

1 December 16th. And it finally came for
2 Community Council, for the last time, and
3 it was denied by our elected officials,
4 our Council members, on Wednesday, March
5 30th. Each time, we, the taxpayers, we
6 the voters, expressed our concerns to the
7 applicant, to Mr. Fernandez, that the
8 signs were way too big and too many signs
9 at the same time. I stand before you as a
10 citizen, as a taxpayer of Miami-Dade
11 County for the past 32 years and I'm
12 respectfully requesting that you deny this
13 application. Very simple, because we need
14 to respect the people that live in that --
15 in those buildings. And, you know, they
16 were the ones that made the investment. A
17 lot of these people are retired. That
18 they made the investment. They want
19 peace.

20 The gentleman that spoke before me,
21 he mentioned something that companies,
22 corporations, or business are afraid of
23 coming into this mixed-use area. That is
24 not true. You know, World Beer, which is
25 an applicant -- is someone that gave a

1 letter of support to the applicant was
2 just approved two months ago before
3 Community Council 12 and they're going to
4 start their business there. So, you know,
5 World Beer is making a good investment,
6 helping the economy, hopefully bringing
7 jobs to the area and they made an
8 investment. So I don't think businesses
9 are afraid of coming. The thing is that
10 the signs are way too big and there's too
11 many signs.

12 Commissioner Suarez, I respectfully
13 request that you deny this application.
14 Thank you.

15 VICE CHAIRWOMAN EDMONSON: Thank you.

16 Mr. Molder.

17 MR. MOLDER: Good morning. Two brief
18 matters of housekeeping matters. I'm
19 general counsel, outside general counsel
20 for four of the associations. I was not
21 sworn. Do you need me to do that?

22 VICE CHAIRWOMAN EDMONSON: Yes, you
23 need to be sworn.

24 THE CLERK: Raise your right hand.
25 Do you solemnly swear that the testimony

1 you're about to give is the truth, the
2 whole truth and nothing but the truth, so
3 help you God?

4 MR. MOLDER: I do.

5 And the second matter of housekeeping
6 is, there are some people that apparently
7 weren't aware that they had to fill out
8 the card, but they do desire to speak. I
9 don't know how -- the procedure.

10 VICE CHAIRWOMAN EDMONSON: No, they
11 can come after you.

12 MR. MOLDER: I told them I'd clarify
13 that.

14 Good morning, my name is Jason
15 Molder, Molder Legal Group, P.A., 8201
16 Peters Road, Suite 1000, Plantation,
17 Florida 33324. We are outside general
18 counsel to four of the residential
19 condominium associations, Downtown
20 Dadeland Condominium Number 1 Association,
21 Inc., two, three, and four. Condominium
22 Number 1, interchangeably referred to as
23 A, B, C & D. A has 67 units; B has 73
24 units; C has 61 units and D has 61 units,
25 for a total of 262 units that the four

1 boards collectively represent.

2 I'm going to try and be as brief as I
3 can. I'm going to just respond to some of
4 the comments made earlier by counsel for
5 the appellant.

6 But let me say a few things to start
7 out with. We did have two prior hearings
8 on this in front of the CZAB. And my
9 understanding, after the first hearing,
10 was they said to the Petitioner come back
11 with a smaller sign. And they may have
12 come back with a smaller sign, a slightly
13 smaller sign, but the gist of what I'm
14 going to argue to you today is, this is
15 not, by any means, in my clients' opinion,
16 the least intrusive method to see if what
17 the Petitioner is saying will work. The
18 signs are simply too intrusive. Forget
19 about the number of signs, the sheer size
20 of the signs are simply too intrusive.

21 The 8-square foot maximum that's
22 referenced in subparagraph 1 of the appeal
23 is being asked to go up to 55.67. That's
24 almost, I believe, seven times the size.
25 In subparagraph 3, the 4-foot maximum is

1 being asked to go as high as 13, which I
2 believe is about three times the size.

3 Now, what I mentioned at the other
4 hearings was there are other ways to do
5 this. There are other methods of
6 advertising that could be tried before the
7 residential unit owners are burdened with
8 large banner signs, which are the
9 equivalent of billboards placed on their
10 buildings.

11 The picture that was up on the
12 screen, which showed the transparency of
13 the sign also, interestingly enough,
14 showed that it's right outside somebody's
15 balcony. It's right outside a catwalk, I
16 believe. So if that's your unit, and
17 that's your balcony or that's your window,
18 imagine how you would feel when you have
19 that sign, whether it's transparent or
20 not.

21 There are many ways we could say we
22 could attract more business to the
23 buildings. I mean, the interesting thing
24 is that the 8-foot maximum that's
25 permitted without a variance was never

1 tried, to my knowledge.

2 VICE CHAIRWOMAN EDMONSON: Mr. Guzman
3 (sic), one second.

4 MR. MOLDER: Molder.

5 VICE CHAIRWOMAN EDMONSON: You are
6 representing four of the condo
7 associations?

8 MR. MOLDER: Yes, yes.

9 VICE CHAIRWOMAN EDMONSON: Okay,
10 we'll give you as much time as you need.

11 MR. MOLDER: Okay, okay. Thank you.

12 MR. FERNANDEZ: Sorry, if I may.

13 Do you have a resolution from any of
14 those condominium associations indicating
15 their position with respect to this
16 application?

17 VICE CHAIRWOMAN EDMONSON: Wait,
18 wait, wait, wait one second. I think I'm
19 going to facilitate this meeting.

20 MR. FERNANDEZ: Thank you.

21 VICE CHAIRWOMAN EDMONSON: Thank you.
22 Go ahead, sir.

23 MR. MOLDER: Thank you. Let's see
24 where I was. I believe -- sorry.

25 I believe the vote at the CZAB was

1 five to one against this measure. That's
2 my recollection. He can correct me if I'm
3 wrong.

4 But let me go through the points that
5 were raised on behalf of the applicant,
6 the appellant.

7 The tenants -- he apparently has two
8 letters from tenants. Well, one of the
9 questions raised at the CZAB was where are
10 the tenants? The tenants are not here, to
11 my knowledge, proffering anything to you
12 that this would help, okay? And this was
13 out -- this was highlighted at the CZAB
14 meeting, where are those tenants?

15 Now, these signs are -- you're being
16 -- you're being asked to buy into the fact
17 that these signs will foster urban
18 development. How? How are these size
19 signs going to foster urban development?
20 We haven't heard that. All we've heard is
21 a conclusion. We've heard a summary
22 argument from counsel. We have not heard
23 how that's going to happen. How will the
24 signs improve pedestrian or vehicular
25 traffic? How are signs that are up to

1 55.67 square feet or 51 square feet, how
2 are those signs going to improve vehicular
3 traffic anymore than signs that are eight
4 feet? I mean, think about it. When
5 you're driving in your car, you're not
6 really looking all the way up 55 feet.
7 You know, an eight foot -- 8 square foot
8 sign might just do it, but it was never
9 tried. It was never tried.

10 There are awnings on each of these
11 retail storefronts, and I don't know if
12 some of the tenants have signage on the
13 awnings, but we are not here today to
14 object to any signage being placed on the
15 awnings.

16 My clients' objection is squarely the
17 banner signs, the signs that you see at
18 car dealerships, the signs that you see at
19 used car lots, the signs that you do not
20 expect to see on residential buildings.

21 How will this attract new tenants?
22 How will this signage attract new tenants
23 that an 8-square-foot sign wouldn't?
24 Where are those potential tenants?

25 Now, there's a very important thing

1 I'd like to mention, and that is that a
2 comment was made that similar centers
3 throughout the country have this. At the
4 CZAB hearing, a poster was shown of a
5 building, which had these signs. And it
6 was clarified by me, after looking it up
7 on the Internet, that I believe that
8 building was a medical center, with a gym
9 in it and a day care facility. I don't
10 think there was any residential component
11 of that building at all is my memory.
12 There's nothing in front of you here today
13 that tells you what other centers
14 throughout the country have this.

15 And I think it's very important for
16 the Commission to ask, have you -- has the
17 applicant -- have you tried a less
18 intrusive measure? Have you tried the
19 8-square-foot signs? Have you tried other
20 advertising? There are light poles on the
21 streets. And frequently, over the years,
22 I've seen cities advertise on light poles
23 for special events. I don't know if
24 that's permitted. I'm just saying nothing
25 less intrusive, it appears, has been

1 tried.

2 Now, we are a limited group, maybe,
3 but we are four -- my firm represents four
4 of the seven residential associations.
5 And I believe -- and I can't promise this,
6 but I believe those are the four buildings
7 with the largest amount of units in them.

8 Incidentally, I think Building G may
9 have the smallest number of units, the
10 building that they said the signs were
11 being removed from.

12 The gist of it is this, and I'll sum
13 up by saying this. A less intrusive
14 measure should be tried. These are
15 residential units. This is somebody's
16 home. These are 262 homes. And just
17 because it's an urban center, just because
18 it's supposed to facilitate pedestrian
19 traffic doesn't mean that we have to block
20 windows and balconies in the process.
21 There are other less intrusive measures
22 that should be tried.

23 And here today, you'll hear from the
24 president of Building A and B and I
25 believe the president of Building D as

1 well.

2 Thank you for your time.

3 VICE CHAIRWOMAN EDMONSON: Okay.

4 Thank you.

5 Okay, we'll have rebuttals later.

6 MR. DONELAN: Madam Chair, I didn't

7 --

8 VICE CHAIRWOMAN EDMONSON: Who else
9 is coming up? Because I think you said
10 three people. Can they all move up and
11 someone else take the other lectern?

12 Okay, sir, you can begin. Please
13 start with your name and address.

14 MR. DONELAN: I will. Allen Donelan,
15 7266 Southwest 88 Street, apartment 723,
16 Miami, Florida 33156.

17 And I don't believe that I was sworn
18 in. I know I did not sign the card. I
19 apologize to you for that. Didn't know I
20 was supposed to.

21 VICE CHAIRWOMAN EDMONSON: Madam
22 Clerk.

23 COMMISSIONER MOSS: Why don't you ask
24 if anybody else --

25 VICE CHAIRWOMAN EDMONSON: Yes. Is

1 there anyone else in here who will be
2 speaking who did not get sworn in? Okay.

3 THE CLERK: Do you solemnly swear
4 that the testimony you're about to give is
5 the truth, the whole truth and nothing but
6 the truth, so help you God?

7 MR. DONELAN: I do.

8 THE CLERK: Thank you.

9 MR. DONELAN: May I?

10 VICE CHAIRWOMAN EDMONSON: Yes, sir.

11 MR. DONELAN: Thank you, ma'am.

12 VICE CHAIRWOMAN EDMONSON: Two
13 minutes.

14 MR. DONELAN: Madam Chair, and
15 Commissioners, and I want you to know
16 right upfront that I'm just a country boy
17 from South Carolina, went to Clemson. So
18 whatever I say today, I hope you enjoy it.
19 I hope you take it to heart. But I did
20 not buy from Ed Williamson, who used to
21 own that land, my units, two penthouses,
22 and I'm president of A and B, where those
23 two penthouses reside, in order to have
24 Goldman Sachs come tell me they're going
25 to hang a banner on one of my porches in

1 that building.

2 I don't mean to seem really -- this
3 is funny to me. If these gentlemen and
4 ladies, who are presenting this on behalf
5 of Goldman Sachs -- that's the retail end
6 of this. That's who owns the retail at
7 Downtown Dadeland. If they want a banner
8 or sign, I have no objection but put it on
9 a house, on their home. They don't live
10 there.

11 The residents there have been through
12 this a third time now. We don't need a
13 sign. We don't want a sign. What we've
14 got is fine.

15 I hear -- when the transit system --
16 my gosh, I want to thank you, too. I turn
17 76 not too long -- 75, excuse me. I love
18 my card to ride the transit. Thought I'd
19 never do that. You can't get me off it.
20 But at any rate, if people want to come
21 from the transit over to Downtown
22 Dadeland, I got a test for you, deal or no
23 deal here in a minute, put the signs over
24 in the transit place. You all can do
25 that. You're powerful. You can raise

1 signs, put banners, paint the place
2 chartreuse so it shines in the dark. So
3 everybody knows where Chili's is, or Pan
4 Bread, or West Elm or Lime. And if you
5 don't know where they are, shame on you.
6 I believe you do. You didn't read a sign.
7 People tell you. You probably been there
8 to eat.

9 But the point is, this is not why we
10 bought at Downtown Dadeland. It wasn't
11 said it was going to help us. The
12 esteemed colleague here that said it's
13 going to increase business, hey, this
14 gentleman is going to tell you how many
15 times we've had to bring Miami-Dade
16 County Police --

17 VICE CHAIRWOMAN EDMONSON: Fifteen
18 more minutes, sir.

19 MR. DONELAN: All right. How many?

20 VICE CHAIRWOMAN EDMONSON: Fifteen
21 more seconds.

22 MR. DONELAN: Okay. Thank you. All
23 right. You don't want 15 more minutes
24 from me. It's okay. Feelings aren't
25 hurt. But I really implore you don't do

1 this. This is the third time we've been
2 through this. If you want a sign, put it
3 up in their yard.

4 Thank you very much. It's really
5 nice to come down here. I've never been
6 here before, but I see you on T.V. all the
7 time. Thank you very much.

8 VICE CHAIRWOMAN EDMONSON: Thank you.
9 Sir, please state your name and
10 address.

11 MR. REKER: Yes, ma'am.

12 Tim Reeker. I'm a residential owner
13 and president of Building D for Downtown
14 Dadeland. My esteemed board member there,
15 as you can tell, when we have our
16 meetings, it's quite a meeting.

17 But he pretty much hit the nail on
18 the head. We've gone through this many
19 times. We're not against signage, but
20 we're against the signage that they're
21 proposing. As he said before, BrandsMart,
22 Container Store, the Lime store, Panera
23 Bread, I'm sure many of you been here.
24 Commissioner Bell I know is the
25 Commissioner of that area. I'm sure she

1 knows the Dadeland Mall, which is the
2 Number 1 retailer in the United States of
3 America, doesn't have banner signs
4 standing out from the building. And this
5 goes directly against that whole area
6 represents, what we bought for.

7 We're trying to hold on, as everybody
8 else is. We have foreclosures, and
9 maintenance fees that aren't being paid.
10 And we're trying to keep people happy and
11 we're trying to get people to come in.
12 And they are coming in. And we just hope
13 that you see that these signs are not
14 going to change what's going on in the
15 retail side on the first floor.

16 Thank you very much.

17 VICE CHAIRWOMAN EDMONSON: Okay.
18 Thank you.

19 Public hearing is still open. Anyone
20 else?

21 Okay, sir, you will be closing out.

22 MR. FERNANDEZ: Thank you, Madam
23 Chair.

24 VICE CHAIRWOMAN EDMONSON: And I
25 can't remember his name, Mr. Molder, if

1 you would like to rebut, you do have that.

2 Go ahead, sir.

3 MR. FERNANDEZ: Thank you, Madam
4 Chair. I don't know if I can get the
5 Power Point images back on the screen.
6 Yes, thank you.

7 First of all, I'd like to say with
8 respect to Mr. Molder's comments, we did
9 meet with the association. We had a
10 meeting with them and three people
11 attended that meeting. Three people out
12 of a project that has over 700 units in
13 it, with seven separate buildings, seven
14 stories high, on seven acres of land, in
15 the most urban area outside in
16 unincorporated Dade County, that I'm aware
17 of. Maybe Aventura is as urban. We had
18 three people show up.

19 Despite that fact, we agreed to
20 reduce the extent of our banner proposal.
21 We reduced it, as you saw in your images,
22 considerably. Keep in mind these
23 buildings are seven stories tall. They
24 have facades that are massive, 7,000 to
25 8,000 square feet in size. And the

1 banners that we're proposing are less than
2 1% of that facade size.

3 Our project architect from Ad, Inc.,
4 that is a major architectural national
5 firm working for Goldman Sachs, that is
6 the ultimate owner of that building,
7 commissioned them to come up with a
8 signage package that would not only be
9 effective, but that would be attractive,
10 that would look reasonable on this
11 building. How does it make sense to put
12 an eight foot size -- an 8-square foot
13 size, that's four feet by two feet, on a
14 building that's seven stories tall? It's
15 simply not effective. We are submitting
16 the least intrusive signage package
17 possible.

18 The Downtown Kendall Urban Center
19 regulations will not allow us to bring the
20 signage any lower than it is now. Because
21 the buildings are built at the property
22 line, there is zero setback. We're
23 already encroaching with our signage into
24 the right-of-way. That's part of our
25 application. The Public Works Department

1 is approving that, recommending approval
2 of it, but we can't bring the signage down
3 any lower, because it would interfere with
4 the pedestrian realm and the public
5 right-of-way. We need to keep it, at a
6 minimum, at the height of the commercial
7 tenants, and that's where they are.

8 They're between the commercial tenants --
9 you see them here. They're right above
10 the canopies on the commercial tenants.

11 Mr. Molder says why not let them just
12 have signs on the awning? Can you see
13 lettering on the awning? The awning is
14 about six inches wide. The signage is not
15 visible from a pedestrian -- to a
16 pedestrian or to a car that's traveling
17 perpendicular to an awning. They don't
18 see it. They wouldn't see it. The
19 lettering would be four inches tall.
20 That's not reasonable. Every urban center
21 has signage that looks like this banner.
22 What is so objectionable about the banner
23 that you have on your screen now? I just
24 don't see the argument, and I think it's
25 coming from a very limited group of

1 people.

2 Mr. Donelan that you've heard from,
3 very nice man, I don't like Clemson, went
4 to the University of Florida, but I'll
5 tell you that he lives in a penthouse
6 unit. He is far above the crowd here, and
7 he has a different interest here. He has
8 complained multiple times to the new
9 owners of the building, who have simply
10 come into this trying to improve the
11 project. They didn't develop it. They
12 bought it and they're coming in with
13 improvements. As Mr. Donelan's view will
14 not be impacted whatsoever. In fact, none
15 of the residential units are going to be
16 impacted, because the signs are only two
17 feet from the wall. They're mostly tall
18 signs and narrow signs. So that if you're
19 looking out of a window or looking out of
20 a balcony, what you're going to be seeing
21 is perhaps a sign through your peripheral
22 vision if you lean out of the balcony. I
23 don't believe that that's intrusive and
24 it's certainly not happening to the
25 majority of the buildings.

1 Now, you heard from Mr. Guzman as
2 well. Mr. Guzman -- I don't really
3 understand where Mr. Guzman is coming
4 from. He did make a couple of comments at
5 the hearing, but I also know that he has
6 testified before Community Council 12 and
7 indicated that his address is 8910
8 Southwest 95th Avenue. Then before
9 Community Council 11 with a different
10 address, 12010 Southwest 96 Street. I
11 think he attends many Community Council
12 meetings, and I'm not sure where he lives.
13 I would love to ask him the question, and
14 whether or not he's a registered voter in
15 Miami-Dade County. If you'd like, we can
16 bring him up and ask him that question,
17 but I would just submit that to the Board.

18 With respect to -- I think that you
19 see our point. I don't want to belabor
20 the position. This is the least intrusive
21 signage package possible. We are
22 spreading the signage around the perimeter
23 of the project. There are seven
24 buildings. We're here to answer any
25 questions that you have.

1 Oh, one thing that I'd like to point
2 out, for the record, is that clearly the
3 association has the right to request this
4 signage without the consent of the
5 association, even though we have met with
6 the association and I'd just like to show
7 you an excerpt from the condominium
8 documents.

9 VICE CHAIRWOMAN EDMONSON: Okay.
10 Make it quick.

11 MR. FERNANDEZ: Yes. Here you have
12 two excerpts from the condominium
13 documents.

14 COMMISSIONER MOSS: You have a mike
15 right there.

16 MR. FERNANDEZ: Thank you. Thank
17 you, Commissioner Moss.

18 VICE CHAIRWOMAN EDMONSON: Do we have
19 any sergeant-at-arms -- is it on?

20 MR. FERNANDEZ: Yes, it is.

21 Thank you, Madam Chair. Thank you
22 Commissioner Moss.

23 You have excerpts from the condo
24 documents here. I won't bore you with all
25 the language. This is Section 1712 of the

1 documents. It indicates that the owners
2 of the commercial lots may affix or attach
3 signs on the exterior walls, doors,
4 adjacent balconies, terraces, patios
5 and/or lanais, and/or windows of any
6 improvements constructed upon the
7 properties, whether the same are part of
8 the commercial lot, the limited common
9 areas or the common elements, adjacent to
10 the owner's commercial lot or to the
11 windows of a commercial lot without
12 receiving the consent of the association.
13 That's clear as a bell. We don't need the
14 consent of the association. Nevertheless,
15 we have talked to them. We've reduced our
16 signage package twice in response to their
17 concerns.

18 And this is a very important
19 application to Downtown Kendall. It can
20 really serve as a catalyst to bring
21 additional people into the core area of
22 Downtown Kendall.

23 And we'd ask that you approve our
24 appeal. Thank you very much.

25 VICE CHAIRWOMAN EDMONSON: Okay. And

1 thank you.

2 Mr. Guzman.

3 MR. MOLDER: Molder.

4 VICE CHAIRWOMAN EDMONSON: Come on.
5 You can come to the other one.

6 MR. MOLDER: Jason Molder again. I'm
7 going to be very brief.

8 VICE CHAIRWOMAN EDMONSON: Molder.

9 MR. MOLDER: Thank you for the
10 opportunity for the rebuttal. Our -- I
11 don't know if you can put that Power Point
12 slide back up that showed the truck
13 underneath the West Elm sign, but if you
14 -- our position is not that the signs need
15 to move lower. It's that they need to be
16 made smaller. Why couldn't they put a
17 permissible size that ended, let's say,
18 where the S in west is. Why does it have
19 to go all the way up? If you're that
20 green car up there, I don't even think you
21 can even read the word Elm. That's how
22 high it is. What we're saying, make it
23 smaller. Not necessarily move it lower,
24 but make it lower.

25 And, again, I'm not going to

1 reiterate the whole thing about every
2 urban center, because we haven't been
3 presented with any examples of that right
4 now, but I do want to say one more thing,
5 this declaration section is implicit in
6 this, that, okay, you can put signs up
7 that comply with the law. If the
8 declaration said you could have a
9 discotheque or something that's not zoned
10 or permissible by law, what governs? So,
11 okay, let's say the declaration says you
12 can put a sign up, but if that sign has to
13 come here for a variance, that's why we're
14 here. So I don't necessarily think that
15 that's controlling at this point.

16 Thank you.

17 VICE CHAIRWOMAN EDMONSON: Okay.
18 That's it. That's it.

19 MR. FERNANDEZ: I could respond to
20 that, but I won't.

21 VICE CHAIRWOMAN EDMONSON: We'll go
22 back and forth all day long. You've had
23 your time.

24 Okay, the public hearing is now
25 closed.

1 Commissioner Suarez.

2 COMMISSIONER SUAREZ: Madam Chair, I
3 want to ask a couple of questions. I
4 think they would be better directed to
5 staff, although I'm sure the applicant or
6 appellant would love to answer some of
7 these.

8 But are we -- in terms of the size of
9 the signs, are we basically discussing the
10 square footage, or height or width or -- I
11 could swear in one of the resolutions, I
12 saw that they're talking about going to 13
13 or 12 feet as opposed to 10.6 or
14 something. I mean, that seems like --
15 okay, you're nodding, but I --

16 MR. LaFERRIER: Yeah. Commissioner,
17 there's a couple of variances that are
18 being requested here. One of them
19 actually relates to -- but you haven't
20 heard testimony about today, but it's a
21 part of the request and that's to put some
22 of the logos on the directional signs.
23 The testimony today has really been about
24 these banner signs and the request
25 relative to the --

1 COMMISSIONER SUAREZ: Yeah, the logos
2 and the directional signs, whatever all of
3 that means, has not been a big factor here
4 today.

5 MR. LaFERRIER: That's right. The
6 request --

7 COMMISSIONER SUAREZ: So as to the
8 size --

9 MR. LaFERRIER: The request --

10 COMMISSIONER SUAREZ: -- of the signs
11 and --

12 MR. LaFERRIER: The request --

13 COMMISSIONER SUAREZ: -- what they
14 obstruct or not obstruct the view of the
15 residents is what I think concerns us.

16 MR. LaFERRIER: That's correct.

17 The request is that you can have a
18 cantilever sign. These are regarded as
19 cantilever signs, but they're only allowed
20 to be eight feet -- eight square feet in
21 size. These are larger than that. Some
22 of them are as large as 55 square feet.
23 Others are as large as 28 square feet.

24 COMMISSIONER SUAREZ: Eight square
25 feet. For example, the ones at Sunset

1 Place, which, of course, doesn't have any
2 residential, I don't think, but are they
3 like one foot by eight or something. Is
4 that why they stick to the eight foot --

5 MR. LaFERRIER: What? The ones at
6 Sunset Place, I think, are larger than
7 that, but, you know, it would be a two by
8 four or --

9 COMMISSIONER SUAREZ: Or one by eight
10 if they do this sort of configuration.

11 MR. LaFERRIER: Or one by eight, that
12 sort of thing. A much smaller size than
13 this.

14 The other thing that they're
15 requesting a variance from is that the
16 cantilever signs aren't usually allowed to
17 extend out into the right-of-way. In this
18 case, they need a variance to allow those
19 signs to go out into the right-of-way.

20 COMMISSIONER SUAREZ: We're talking
21 about the aerial right-of-way?

22 MR. LaFERRIER: That's correct.

23 COMMISSIONER SUAREZ: At what height
24 do they extend into the right-of-way?

25 MR. LaFERRIER: I think it's at 17

1 feet.

2 COMMISSIONER SUAREZ: So,
3 conceivably, if you had an 18-foot truck,
4 you would --

5 MR. LaFERRIER: Well, except in this
6 case, there's --

7 COMMISSIONER SUAREZ: They don't seem
8 to go past -- oh.

9 MR. LaFERRIER: Yeah.

10 COMMISSIONER SUAREZ: Oh, on the
11 sidewalk.

12 MR. LaFERRIER: Yeah. These
13 buildings are built right up to the edge
14 of the right-of-way. And then there's a
15 sidewalk between the curb and the
16 building. So actually these signs would
17 hang out over the sidewalk.

18 COMMISSIONER SUAREZ: You would have
19 thought that the applicant would have
20 negotiated down to a size that would be
21 acceptable to the owners, but that's not
22 what we have before us, so --

23 VICE CHAIRWOMAN EDMONSON: Yes, we're
24 following your direction. This is your
25 district. You're done? You want to hear

1 everybody else?

2 COMMISSIONER SUAREZ: Yes.

3 VICE CHAIRWOMAN EDMONSON: Okay,
4 we're going to start with Commissioner
5 Bell, Heyman. Anyone else? Okay,
6 Commissioner Bell, then Heyman.

7 COMMISSIONER BELL: Thank you.

8 First, let me say that it's really
9 good to hear from the residents, the
10 people that live there. I love hearing
11 you. You guys did a great job
12 articulating your cause, if you will.

13 My issue is, as I'm looking at this,
14 and I'm probably gonna defer to the
15 Commissioner of the district, for the most
16 part, but when one moves into a Downtown
17 Kendall Urban Center District that's mixed
18 use, commercial, I don't imagine that you
19 don't think that there's gonna be signage.
20 So I'm very kind of caught off guard by
21 that.

22 And we're having -- we're really
23 having an issue with an economic downturn.
24 And to not allow signage -- and the thing
25 that gets me is that you have an applicant

1 -- and I always like to see how does the
2 applicant work with the community. Is the
3 applicant going back and forth and
4 working? And I see that the applicant has
5 reduced the sign, reduced the sign,
6 reduced the sign in order to please. And
7 sometimes it gets to the point where no
8 matter how much you do and how much you
9 reduce, it's still not going to please
10 everybody or anybody.

11 But I'm conflicted about it, because
12 I'm reading the covenants, the declaration
13 of covenants under Number 5. I'm reading
14 another covenant here. And where it says
15 the commercial lot owners and its
16 designees shall have the right to use
17 these easements and have the right to
18 erect on the condominium property.

19 I find that the banners are not
20 egregious. They're skinny. I find that
21 they're complimentary of the building.

22 I also took a look at all of the
23 objections. And I see that between DERM,
24 Public Works, Parks, everybody, nobody had
25 any objections.

1 Am I correct, that it is recommended
2 by staff?

3 MR. LaFERRIER: That's correct.

4 COMMISSIONER BELL: Yes. And it's
5 like in this day and age -- and I drive
6 this everyday by -- well, not everyday. I
7 drive this every time I come down town,
8 because I take the Metrorail here. And
9 there is no signage there. There is no
10 way for me to know, unless somebody puts
11 an A frame sign out on the sidewalk, which
12 they're doing now, that there's a place
13 that does manicures and pedicures. I only
14 know that because somebody stuck an A
15 frame out there, so I do have a bit of a
16 vantage point, because I drive by there
17 all the time, even this morning.

18 So I'm a little bit conflicted,
19 because I always try to weigh the rights
20 of the property owners, but the commercial
21 element is also a property owner. So
22 you're having property owner versus
23 property owner. And I think that there's
24 always a balancing act, and I think that
25 there's always a way to please both

1 parties and it can be done. And that test
2 is the test of is the applicant working
3 with the property owners. Is the
4 applicant -- and I see that they are. And
5 I see again and again, and everything that
6 I've been reading on this item, that they
7 kept reducing, and reducing and reducing
8 the size of the banner, which is almost
9 like a transparent banner. And I looked
10 at the pictures and saw that it wouldn't
11 be interfering with anybody's view,
12 because that would -- that would matter to
13 me, but I see it's not obstructing
14 anybody's view. So if you walk out to
15 your balcony and there's a sign right
16 there, I would totally say, oh,
17 absolutely, but the fact that they're off
18 on the corner of the building and it's not
19 obstructing anybody's view.

20 So, you know, I have to say the
21 application makes sense to me. The appeal
22 makes sense to me. The fact that you're
23 in the heart of a downtown commercial
24 district. You know, I don't know what you
25 expect when you move in the downtown --

1 right in the heart of a downtown
2 commercial district. It's a Metro urban
3 center. You have to know when you move
4 into an urban center that there's going to
5 be some signage.

6 So the fact that the developer, as I
7 said, keeps working with the applicant --
8 I mean, keeps working with the property
9 owners, you know -- I don't know, I think
10 sometimes -- but you guys did a great job,
11 by the way, a great, great case. I'm just
12 looking at the facts and the facts weigh
13 out that there is justification for
14 signage.

15 Thank you, Madam Chair.

16 VICE CHAIRWOMAN EDMONSON: Thank you.
17 Commissioner Heyman.

18 COMMISSIONER HEYMAN: Well, I'll be
19 the first one to agree with my colleague,
20 Commissioner Bell.

21 COMMISSIONER BELL: You're very wise.

22 COMMISSIONER HEYMAN: You know, it
23 could use signage. I think it's in the
24 details, though, okay? It is a mixed use.
25 And, you know, in due respect, whether

1 you're in South Carolina or anything else,
2 mixed use, you knew what you're coming
3 into. I got to tell you most of us don't
4 read covenants or usually warranties or
5 anything else. You look at it and you say
6 this works for me and you sign where
7 someone tells you to sign without the
8 minute details. But it is mixed-use, and
9 I'm looking at residential as tenants as
10 well as a business.

11 I do have a concern on a couple of
12 things. Working with your own package
13 here, for instance, I don't believe even
14 -- this is on appeal. This is a
15 go-around, and a go-around, that even with
16 the staff's recommendation -- and Mr.
17 Director, when the question is posed, do
18 you support this or you're approving this,
19 and your position is yes, you also need to
20 say, but these are our recommendations
21 specific to our support, such as the
22 lights on the signage, such as the
23 maintenance, such as the size and stuff
24 like that. So, you know, it's with
25 additional conditions, Commissioner Bell.

1 I'm not sure if you saw that.

2 Here's my concern to what was
3 addressed. And, yes, there's signage,
4 should be signage. Some of your very own
5 pictures show that even with the staff's
6 recommendation, I don't think you've
7 exercised, let alone exhausted what is
8 less intrusive marketing, labeling for
9 this property. And in due respect to your
10 extra go-around and saying we can lower
11 the signs a little, whether it's the
12 pictures that haven't depicted what your
13 intent is, I think that's workable. I
14 think you all are a cooperative
15 neighborhood, and you want the local
16 business to succeed, the tax base to
17 succeed, to the residents to be
18 accommodated. And I don't think you're
19 there with this application, in due
20 respect. Rather than having an absolute
21 no vote, if you have -- do you have the
22 authority to speak on behalf of your
23 client?

24 MR. FERNANDEZ: We would have to go
25 back and talk to them and come back to

1 you.

2 COMMISSIONER HEYMAN: All right.
3 Well, let me -- if I might, Madam
4 Chair, let me -- I'll express some of my
5 concerns. I don't think they're
6 unreasonable. I know the area, and it's
7 great if you had some signage to capture
8 people on through streets when it's slow
9 or stopped to know what's there. I like
10 that.

11 But I've got to tell you there's some
12 things that I feel before you -- even
13 though it's screened, as far as I'm
14 concerned, it's not dead in the face of
15 the front of the balcony, but it does
16 affect the view of the balcony and you can
17 see it from your own pictures, starting
18 with the transparent material, okay?

19 I'm going to ask anybody here,
20 starting with you, sir, if that's what you
21 want to look through. I don't care if
22 it's there or I-95 looking through a hotel
23 that I've just paid for or over on the
24 beach. When someone wants to put
25 something transparent up, I'm hoping it's

1 in front of someone else's view. And this
2 is something they didn't buy into. And
3 maybe attorneys want to get into who owns
4 the air space, but I have to feel, if you
5 have the ability to lower their sign
6 legally, and make the font a little bit
7 lower, you can take care of the only
8 complaint that the guy that said, I'm fine
9 with it, but if you reduce the length of
10 the signage so maybe his blockage --
11 because I doubt he's going to be on his
12 face on --from his balcony versus his feet
13 or his seat, then maybe that just works
14 out. And wouldn't you think somebody in
15 marketing would have done that, to take
16 care of your promotion and integrity of
17 what these people bought into? They're
18 not anti-signage. They're saying don't
19 encroach so much. So that would be a
20 condition that I would ask for. And you
21 clearly have the room under our signage
22 law for banners to bring it down some and
23 maybe reduce it a little. And this
24 proposed banner I think perfectly
25 illustrates it. I don't think someone has

1 to worry about a height restriction, 20
2 something feet, or 10, whatever it is,
3 because ironically you can go below that.

4 And to the second suggestion on less
5 intrusive and also maximizing what you're
6 able to do. When you have to talk about
7 how limited four inches on an awning could
8 be, if you look at this view, this is four
9 inches on the front and that's nice. And
10 you haven't even done that to help your
11 own businesses. And I have passed that on
12 facades in county roads and municipal
13 roads, even in the CRA areas, to help the
14 businesses. You haven't done anything.
15 So if my colleagues could see all their
16 awnings, they are absolutely blank. So
17 whether you want to start with four
18 inches, you also have aboveground people
19 all around that they didn't do anything.
20 It's not interactive.

21 MR. FERNANDEZ: All right.

22 COMMISSIONER HEYMAN: It's just to
23 listen to my suggestion.

24 MR. FERNANDEZ: I understand.

25 COMMISSIONER HEYMAN: I did listen to

1 you.

2 MR. FERNANDEZ: I figured that out.

3 COMMISSIONER HEYMAN: But I got to
4 tell you something, I drive local. I hate
5 being stuck in traffic, but it's a
6 captured audience. And you haven't even
7 tried before you're shooting up your
8 banner signs.

9 So I'm going -- if I don't get a
10 supportive response on that -- because,
11 one, I think it's incredibly reasonable.
12 Two, you're willing to market yourself
13 now, so why not start with a property that
14 won't compromise anyone's view and would
15 benefit you. And, three, tailor it down a
16 little within the limits of our law and
17 you won't block anybody, because the first
18 floor balcony on one of your other
19 illustrations shows it. So I'm going to
20 ask for that, because I do believe
21 conceptually, sir, that whether it's the
22 windows or the balconies that you can have
23 a positive impact on a trying time down at
24 Kendall. Help all these businesses. I've
25 patronized some of them. Once you find

1 the parking, you want to stay there. The
2 thing is -- so I would also suggest for
3 another area that's absolutely void, by
4 your own admission, since I got my
5 colleagues here -- and I'm not even sure
6 -- well, it's actually Suarez's district,
7 so I do know whose it is.

8 You have a picture here that you
9 talked about your limited pedestrian
10 options, and shame on you, because you got
11 a sidewalk. That's one thing that's nice
12 about this whole area, they put in
13 sidewalks everywhere and you absolutely
14 have not used any means to communicate
15 anything, starting with your pictures off
16 on the Dadeland Boulevard and it says no
17 vehicle orientation to the next one.
18 Unless you cleaned up everything, there's
19 absolutely -- and Kendall Drive. And you
20 know something, everything from the facial
21 and the facade out front that's down below
22 that you have the right to put up a
23 pedestrian sign way above someone's head,
24 and I've seen it in places, including
25 Coral Gables that's really restrictive,

1 you've done nothing, but then you say
2 these are the problems we face. I
3 apologize, you have done something, but,
4 in my opinion, within your means, not to
5 impact residential at all, I think what
6 you've done is minimum to the benefit of a
7 commercial area that needs help.

8 You know, sir, I'm not even going to
9 invite you to talk. I listened and heard
10 your examples. I saw it. I read your
11 package, because I think the argument is
12 compelling for the businesses to get some
13 help. I'm not listening to him either, so
14 -- okay.

15 MR. FERNANDEZ: No, I know.

16 COMMISSIONER HEYMAN: I would suggest
17 you use other means, allowable by rule,
18 covenant, our zoning rules for awnings,
19 pedestrian signs, directional signs and go
20 to the no block where you can -- and I
21 believe you can. And I think that would
22 appease it, because I didn't hear them say
23 no signs. They said please don't block
24 our views and stuff. And if you could do
25 that, I'll support it, otherwise my vote

1 is no.

2 I'm not sure where Commissioner
3 Suarez is as a person from the district.
4 That's usually why you have the first shot
5 to voice, not just question, but I think
6 we can do better. And if we could get an
7 agreement on it and move ahead with that
8 intent, I'll support it.

9 VICE CHAIRWOMAN EDMONSON: Anyone
10 else besides the District Commissioner?

11 COMMISSIONER MOSS: Just a quick
12 question.

13 VICE CHAIRWOMAN EDMONSON:
14 Commissioner Moss.

15 COMMISSIONER MOSS: Thank you, Madam
16 Chair.

17 Mr. Director, in reference to the
18 charrette and the Downtown Kendall rules
19 and regs that were put in place. And in
20 view of your recommendation, have we
21 learned something in this process? And if
22 so, what would that be in the future in
23 looking at, you know, these kinds of
24 circumstances? What direction do you
25 think the Department would basically be

1 leaning towards in terms of
2 recommendations?

3 MR. LaFERRIER: Thank you,
4 Commissioner, that's a very good question.

5 As you know, this is one of our most
6 dense developments in the unincorporated
7 area of Miami-Dade County. It's planned
8 to be an urban area, mixed-use area. So
9 the idea is to have a vibrant sort of
10 downtown center here. These buildings
11 were all planned and developed in a
12 uniform manner and within an interior
13 roadway, retail spaces on the ground floor
14 of each one of these buildings and
15 residential above. A good design for
16 urban development.

17 But what we did learn is that when
18 you have that type of development pattern,
19 in sort of a suburban area, that is
20 dependent upon automobile traffic for
21 retail business, that what we've learned
22 is that the way the building is designed
23 needs to take into consideration the
24 storefronts and visibility of the
25 storefronts. If you look at the pictures,

1 the colonnades limit any kind of real
2 visibility that these stores have, these
3 retailers would have from traffic that's
4 at all off-site. It's fine for pedestrian
5 traffic, but not for incoming traffic.

6 The other thing that we learned is
7 that the signage regulations that we have
8 are pretty limited. And in urban areas
9 often they are very limited. They came to
10 us with what we thought was a reasonable
11 and appropriate approach of dealing with
12 the signage that's so limited and in such
13 an urban area like this.

14 The one concern that we did have,
15 too, was that there might be some examples
16 of where there's some incompatibility with
17 the residential properties above. They
18 modified what they did to make some
19 smaller signs, just as, I think,
20 Commissioner Heyman had mentioned, to just
21 lower it. So that when you're standing in
22 your unit, or sitting in your unit, you
23 can look out the window and you wouldn't
24 see the sign at all. Probably the biggest
25 problem here is the ones that are near the

1 balconies. I think the ones that area
2 near the windows aren't going to really
3 cause a problem, because you have to stick
4 your head out the window to see the sign.

5 But I think that they brought forward
6 to us a problem that we weren't fully
7 aware of, and that is that we need to
8 probably go back and amend our code to
9 allow for some additional types of signs
10 and carefully regulated signs, but more
11 liberal and available signage for those
12 retailers.

13 COMMISSIONER MOSS: So right now the
14 signage code, as it currently exist, would
15 not be sufficient to advertise those
16 businesses that are in the -- you know,
17 the interior of, you know, this type of a
18 development or is there a need for a
19 larger sign? I guess that's the question,
20 I mean, because right now they can use
21 signs. And I guess the other question
22 would be, those signs that currently exist
23 there now, they do have some signage.

24 MR. LaFERRIER: Yes.

25 COMMISSIONER MOSS: How do those

1 signs operate? Are they within code? I
2 mean, what's the situation there?

3 MR. LaFERRIER: This is the first
4 variance that we've had for a request on
5 signage on Downtown Kendall. They are
6 allowed to have signage, as you would
7 think, usually just the marquee signage
8 that's above the -- you know, above the
9 business or on the awnings. In this case,
10 they didn't chose to put on the awnings
11 yet, and they may decide to do that to
12 help them out.

13 But I think in this case, it's a
14 little bit different. As I mentioned
15 earlier, this is really an urban mixed-use
16 area, but it's in a suburban part of the
17 County. So it really needs to attract
18 people. And it's a small urban area, too.
19 It's just a series of eight buildings, so
20 they need to be able to attract people
21 from off-site. And the site is
22 internalized a little bit. So these
23 banners were going to be able to help
24 bring people off of Kendall Drive and
25 Dadeland Boulevard and also begin to show

1 sort of -- you know, the type of signage
2 that was being used, shows that it's more
3 of an urban area and kind of celebrates
4 that design a little bit.

5 COMMISSIONER MOSS: And so the
6 charrette, and the resulting, you know,
7 development that occurred there, those
8 retail spaces on the interior weren't
9 necessarily targeted toward creating
10 localized businesses that would pretty
11 much serve the development? The idea was
12 to pull in people from the outside as
13 well?

14 MR. LaFERRIER: Yeah, I think that
15 internal street, and types of businesses
16 that were expected to be in those internal
17 streets, were expected to be people that
18 live in and around the Downtown Kendall
19 development, but that isn't sufficient
20 enough in order to sustain businesses.
21 They need more traffic and more customers,
22 and these signage would help to attract
23 those.

24 COMMISSIONER MOSS: What would you
25 say would be the difference between the

1 current state of the economy and just the
2 lack of, you know, this ability to market,
3 you know, market the interior spaces, I
4 mean?

5 MR. LaFERRIER: Well, I mean, the
6 current state of the economy has an effect
7 on all businesses and the overall
8 availability and competition amongst
9 businesses and the overall availability of
10 customers, but I think even if the economy
11 was going well, just due to the sign
12 constraints, that there would be a need
13 for additional signage in order to help
14 facilitate the economy for these business
15 owners.

16 COMMISSIONER MOSS: So I hear you
17 saying that going forward, that in the
18 future, you know, any kind of development
19 like this, we need to take a different
20 approach, if you will, to the marketing in
21 order to help those areas be successful.

22 MR. LaFERRIER: Yeah.

23 COMMISSIONER MOSS: One last thing,
24 in reference to the -- I guess, the
25 covenants, the restrictions, is there any

1 restriction on the signage being relevant
2 to the businesses that are on the property
3 as opposed to you create signage now and
4 all of a sudden you're advertising
5 something else like we see these signs all
6 over the County now advertising, you know,
7 Nike, or whatever they advertise, that
8 sort of a thing. Is it restrictive to
9 those -- the businesses onsite as opposed
10 to now becoming an advertising opportunity
11 for the owners of the property?

12 MR. LaFERRIER: Right. The covenants
13 that were mentioned in the testimony
14 aren't covenants between the property
15 owner and the County. What would apply in
16 this case would be the County's
17 regulations. These are Class B signs.
18 These are signs that are only to advertise
19 for onsite sales and services.

20 What you're referring to, if it
21 wasn't a shoe store, and it was just Nike
22 in general, then that would be a Class C
23 signage, that's off-site advertising.
24 Those are not allowed by our code. So if
25 they were to put up some signs for a

1 product that wasn't sold onsite, then that
2 would be a violation of the County code.

3 VICE CHAIRWOMAN EDMONSON:

4 Commissioner Barreiro.

5 CHAIRMAN BARREIRO: Thank you, Madam
6 Chair.

7 On the signage, have you looked at
8 the issue of putting -- first of all, are
9 most of these signs in the corners?

10 MR. FERNANDEZ: They are not. They
11 are throughout the facade of the building.
12 There are some at the corners and some in
13 the middle of the building.

14 CHAIRMAN BARREIRO: The ones in the
15 corner, though, I was thinking instead of
16 putting two signs, you put one right at
17 the very --

18 MR. FERNANDEZ: We have done that.

19 CHAIRMAN BARREIRO: The very edge.

20 MR. FERNANDEZ: Commissioner --

21 COMMISSIONER BARREIRO: Looking out.
22 Basically, it would be very difficult to
23 block anybody's view.

24 MR. FERNANDEZ: We have done that.
25 Wherever there's a corner, we've reduced

1 it from two signs to one sign in
2 response to --

3 CHAIRMAN BARREIRO: It's not what
4 your pictures show, though.

5 MR. FERNANDEZ: -- the Director's
6 comments.

7 CHAIRMAN BARREIRO: That's not what
8 your pictures show.

9 VICE CHAIRWOMAN EDMONSON: I think
10 that's in their amendment.

11 I think that's in the amendment that
12 you presented earlier at the beginning of
13 the meeting, correct?

14 MR. FERNANDEZ: We reduced -- we also
15 reduced the size of the sign on 72nd Court
16 and on 72nd Place. So those signs are
17 smaller, considerably smaller than the
18 other signs.

19 CHAIRMAN BARREIRO: All right.
20 That's just my question. Thank you.

21 VICE CHAIRWOMAN EDMONSON:
22 Commissioner Souto.

23 COMMISSIONER SOUTO: This -- my dear
24 colleagues, this thing of the charrette in
25 Kendall, this used to be part of my

1 district many years ago. And it was me
2 who started with the -- it was the days of
3 O'Quinn was the name of that lady, who was
4 the Director? The first, the charrette
5 that was done there, but then it changed
6 districts and it became Commissioner
7 Sorenson. Commissioner Sorenson became
8 then the great champion of the --
9 according to her, of the charrette, so on
10 and so forth. And there was a -- no doubt
11 that there was a need for all of that, and
12 that's why we started with the charrette.

13 I can see -- I can see the problem of
14 the people who live there. I can see the
15 problem of the business. I've been a
16 business owner, a business developer also,
17 and I can take that side, too. And I know
18 that both have reasons. And they both
19 have -- they're right in some ways and
20 they're not right in some other ways. So
21 I guess the truth is in the middle
22 probably.

23 There's no doubt that that's a
24 beautiful area designed by that charrette
25 to be one of the best in Miami-Dade

1 County. No doubt about that. It was by
2 design, so we created that. Now it's very
3 active, very attractive. I go by once in
4 a while to get somebody at the hotel
5 there, or see somebody, and so on and so
6 forth. As you know, Dadeland is a great
7 shopping center, very popular with the
8 Latin Americans and others and so on and
9 so forth.

10 So there must be a way, there must be
11 a way to arrive at some sort of an
12 agreement between those who live there and
13 also those who have shops around there,
14 owners, shop owners, businesses, others.

15 It is a very difficult time in
16 America and in the world. It's going to
17 be -- it's going to be difficult for a
18 while. It's not going to disappear
19 overnight. All the indexes and all the
20 data that exist indicate that this thing
21 is going to take years to be resolved.
22 And a business can go out of whack in a
23 couple, several months, you know.

24 VICE CHAIRWOMAN EDMONSON: That's
25 right.

1 COMMISSIONER SOUTO: Somebody said
2 that the business of America is business,
3 right? We have to protect business.
4 There's no doubt about that. We have to
5 take care of the people also, but -- so I
6 guess that the truth is in the middle
7 somewhere, and there must be a way to
8 advertise in the proper fashion, and the
9 proper way and the proper dimensions.

10 It is also true that we have a heck
11 of a problem in Miami-Dade County as it
12 relates to signs. I have a nightmare on
13 Bird Road, as you know, and other places,
14 in Coral Way and so on and so forth. So I
15 think we need to be very, very, very, very
16 tough on signs and on the patrolling of
17 the signs, and so on and so forth. Right
18 now we have all these -- yesterday, by the
19 way, I got one here, on my phone, on my
20 County phone, one of those buy a car for
21 \$450, you know, in my cell phone.
22 Unbelievable. I don't know how these guys
23 get my number, but they sent me one. You
24 can take a look at my phone here.

25 So, anyway, no doubt that we need to

1 be tough on the enforcement and all of
2 that, but on the other hand, we just can't
3 eliminate all sorts of signage. I think
4 that would be throwing the baby out with
5 the bath water, so to speak. So there
6 must be -- there must be a way.

7 And I know that you're all smart
8 people, and you'll propose some changes
9 and some amendments on things and get to
10 the nitty gritty. Somebody said that the
11 devil is in the details. Now we're into
12 the details. And this is where the rubber
13 meets the road.

14 Thank you.

15 VICE CHAIRWOMAN EDMONSON:

16 Commissioner Jordan.

17 COMMISSIONER JORDAN: Thank you,
18 Madam Chair.

19 Let me ask staff. When I look at the
20 pictures, when I look at the pictures, it
21 appears as if the signs -- these are signs
22 that are -- these are just samples.
23 They're not there now, right?

24 MR. FERNANDEZ: That's correct.

25 VICE CHAIRWOMAN JORDAN: Okay. But

1 in looking at it, it seems -- what is the
2 -- because you were proposing to go out in
3 the air space two feet up to four feet,
4 correct?

5 MR. FERNANDEZ: No, two feet, two
6 feet 10 inches, to be exact.

7 COMMISSIONER JORDAN: Two feet 10
8 inches, but to get to a maximum of 13
9 four?

10 MR. FERNANDEZ: Length wise, up, in
11 height.

12 MR. LaFERRIER: In height.

13 COMMISSIONER JORDAN: But it would
14 never exceed two feet, two feet going out?

15 MR. LaFERRIER: Well, there are some
16 different size banners that are being
17 proposed. Because the building sits right
18 on the right-of-way line, and then there's
19 the sidewalk and the curb, they need the
20 variance to have the cantilever sign go
21 out over the sidewalk. It's 17 feet above
22 the sidewalk. And the width of that
23 banner sign is almost three feet, as the
24 attorney just mentioned, two feet 10
25 inches. And then they go as tall as 17

1 feet. The other ones I think come down to
2 about six feet. So in some cases they've
3 got some signs that are 17 feet tall and
4 in other locations about half that.

5 COMMISSIONER JORDAN: Okay, but none
6 of them go out further than two feet 10
7 inches?

8 MR. LaFERRIER: That's correct.

9 COMMISSIONER JORDAN: Okay.

10 You know, I'm usually -- and I guess
11 I'm torn on this, because I understand the
12 issue of the commercial value, but I
13 consistently vote no on signs, because I
14 feel that it's opened a door. And once
15 you open a door, you're going to kick it
16 wide open even further, which is what I've
17 seen happen.

18 But I understand that -- you know,
19 the need for the commercial aspect in
20 order to advertise, but I am concerned
21 about the fact that it is blocking the
22 residents. And that, to me, I would not
23 want to happen, you know, but I'll just
24 have to hear from the District
25 Commissioner.

1 VICE CHAIRWOMAN EDMONSON: Okay.

2 Thank you, Commissioner.

3 I, too, I'm still torn, but I'm going
4 to follow the District Commissioner, but I
5 do need to have something clarified.

6 At the very beginning, Mr. Fernandez,
7 you did state that you have lowered the
8 signs that we have in the pictures?

9 MR. FERNANDEZ: That is correct.

10 VICE CHAIRWOMAN EDMONSON: Lowered
11 them to what? And can you show us on the
12 sign, because the sign is pretty -- or
13 this banner is pretty high.

14 MR. FERNANDEZ: I think that --
15 Tadao, if you could help me with this.

16 MR. SHIMIZU: Tadao Shimizu. I'm
17 with the architectural firm Ad, Inc., 2
18 South Biscayne Boulevard, Miami, Florida.
19 I'm the project architect and manager for
20 this project.

21 I guess to answer your question, what
22 we have done is, we've lowered all banner
23 signs to 11'2 above the sidewalk.

24 VICE CHAIRWOMAN EDMONSON: Okay, and
25 that's the way it would appear?

1 MR. SHIMIZU: Yes.

2 VICE CHAIRWOMAN EDMONSON: Or look?

3 MR. SHIMIZU: I'm sorry?

4 VICE CHAIRWOMAN EDMONSON: From the
5 amendment, that's the way it would look
6 now?

7 MR. SHIMIZU: Yes, that's correct,
8 that's the what we're proposing. That's
9 the current proposal. And that's the
10 bear -- the minimum height that we need to
11 maintain for Public Works.

12 VICE CHAIRWOMAN EDMONSON: And where
13 is the balconies? Where is the balconies?
14 I'm trying to --

15 MR. SHIMIZU: Balconies, they vary
16 according to the location of the
17 buildings.

18 VICE CHAIRWOMAN EDMONSON: The
19 balconies on the first floor.

20 MR. SHIMIZU: Right here, right. So
21 what we've done is, we've actually lowered
22 it, so that -- in this particular sign
23 type, so that the top of the sign is flush
24 with the top of the balcony railing.

25 VICE CHAIRWOMAN EDMONSON: So it

1 would not prevent anyone from being able
2 to see out?

3 MR. SHIMIZU: For this smaller 28
4 square foot sign, that's correct.

5 VICE CHAIRWOMAN EDMONSON: Okay,
6 because that's what stayed in my mind
7 every time someone spoke about it blocking
8 someone's view, and I knew at the
9 beginning, I was told that they had
10 lowered.

11 Mr. Director.

12 MR. LaFERRIER: Madam Chair, if I can
13 clarify a little bit.

14 Some of the signs were lowered, both
15 in how high they were off from the
16 sidewalk and some others were also lowered
17 as to how tall the sign is. Some of them
18 are 17 feet tall and some of them go down
19 to eight feet.

20 If I can just sort of elaborate a
21 little bit more on the situation. In my
22 view, the signs that become or could
23 become an impediment to a view corridor
24 are the ones that are near the balconies.
25 There are situations where the signs are

1 next to balconies and then there are
2 situations where there are signs that are
3 being put up between windows and the blank
4 wall space between the windows. Those I
5 don't think that the Department would have
6 an issue with, and we don't, because you
7 literally would have to open up the window
8 and stick your head out the window to see
9 the sign. When you look out the window,
10 you're okay. But if you're on your
11 balcony, some of these ones that are near
12 the balcony, you could see, even though
13 they're translucent material.

14 One of the things that they had
15 talked about doing, they had done
16 surgically in the proposal, is on some of
17 the balconies do what Commissioner Heyman
18 had asked, and that is, instead of a
19 17-foot tall sign, lower the whole sign
20 and then lower the height of the sign, so
21 it's about eight feet. And what you wind
22 up with there is, it still comes up above
23 the floor of the balcony, but as you're
24 standing and sitting in your unit, you
25 wouldn't see it, unless you were looking

1 down at it.

2 VICE CHAIRWOMAN EDMONSON: Okay. So
3 will that be possible for the ones that
4 are at the balconies for them to be
5 lowered? Is that --

6 MR. FERNANDEZ: Absolutely.

7 VICE CHAIRWOMAN EDMONSON: --
8 included in the amendment?

9 MR. FERNANDEZ: We would do that
10 throughout for all of them.

11 VICE CHAIRWOMAN EDMONSON: Okay.
12 Then can that be placed on the -- how can
13 we get that in writing?

14 MR. FERNANDEZ: Well, it's a
15 variance.

16 VICE CHAIRWOMAN EDMONSON: Because I
17 would like to --

18 MR. FERNANDEZ: I supposed that the
19 variance can contain a condition that
20 provides that no banner sign may be
21 located above the rail level of any
22 residential balcony.

23 VICE CHAIRWOMAN EDMONSON: Mr.
24 Attorney, can that be done?

25 MR. COLLIER: We can add that as a

1 condition. I just want to make sure that
2 that satisfies the Department as far as
3 the variances and what's been -- what's in
4 the site plans.

5 MR. LaFERRIER: Well, that would be
6 an amendment to the site plan, but as I
7 just described what I thought was the most
8 aggravating condition, that would help
9 alleviate that concern.

10 MR. COLLIER: So as an additional
11 condition, that no sign will exceed the
12 height of the --

13 MR. LaFERRIER: Rail.

14 MR. COLLIER: The rail of the balcony.

15 MR. FERNANDEZ: When adjacent -- when
16 adjacent to the residential balcony.

17 VICE CHAIRWOMAN EDMONSON: No, I
18 understand. And that's going to be --
19 because I'm not going to make any motions
20 for amendments. That's going to be a
21 recommendation to the District
22 Commissioner when he takes the floor.

23 COMMISSIONER HEYMAN: Madam Chair, if
24 I might.

25 VICE CHAIRWOMAN EDMONSON: May I

1 finish, please? If it's a point of order,
2 I hope it's a point of order.

3 COMMISSIONER HEYMAN: Yes.

4 VICE CHAIRWOMAN EDMONSON: And not --

5 COMMISSIONER HEYMAN: Yes. If you
6 look at what was just presented and what
7 you suggested, it's the same thing, at the
8 top of the rail. That's what they
9 proposed, so that's not a change. So I
10 just want to bring it to your attention.
11 If you're talking about changing, they
12 already agreed to that.

13 MR. FERNANDEZ: Not throughout the
14 whole project, if I may.

15 VICE CHAIRWOMAN EDMONSON: Wait,
16 wait, wait, one second.

17 COMMISSIONER HEYMAN: Okay. Sorry.

18 MR. FERNANDEZ: It's just not
19 correct.

20 VICE CHAIRWOMAN EDMONSON: I have the
21 floor, sir, and you -- thank you.

22 Okay, that's a recommendation. And
23 if that's already in there, I just wanted
24 the District Commissioner --

25 COMMISSIONER MOSS: Madam Chair --

1 VICE CHAIRWOMAN EDMONSON: You know,
2 I might have to, to be aware of that.

3 Because I, for one, I'm finding those
4 signs to be complimentary to what this is
5 all about. I'm hearing people saying that
6 they don't want to hear the noise. They
7 want their privacy. However, this is an
8 urban center district and anyone that
9 moves into an urban center district
10 expects this. This was built to be this
11 way. It was built to be it appears work
12 and play as well as live. And when you
13 decide or make that decision to move into
14 one of these types of communities, this is
15 what you expect.

16 We have -- and you know that
17 businesses are there. And with the
18 economy as it is, I would hate to see
19 these businesses go out of business,
20 because then, all of a sudden -- and I
21 don't think people are beginning to
22 realize, these businesses go out of
23 business, their property value will go
24 down, and, therefore, they will not be
25 able to get what they actually put into

1 these units.

2 COMMISSIONER BELL: Right.

3 VICE CHAIRWOMAN EDMONSON: And I
4 don't think they're looking at it this way
5 in reference to their current units. And
6 if they decide to move, they're not going
7 to be able to get their money back out of
8 it. So you have to look at it that way as
9 well, not just the residential units, but
10 you look at the successful businesses
11 that's below, because they're going to
12 also help raise your property values.

13 I think I'm going to -- I think what
14 the businesses are asking for are
15 reasonable and appropriate, but that's
16 just my opinion. I'm still going to
17 follow and I will follow the District
18 Commissioner on what he thinks.

19 So now I'll turn it over to
20 Commissioner Suarez for closing.

21 COMMISSIONER SUAREZ: Well, all of
22 the input of my colleagues has shaped my
23 views on all of this. As an engineer,
24 too, I've been working with these
25 dimensions that you have thrown at us.

1 And as the Council has voted on, they were
2 very much objecting to 55 square feet,
3 55.75. That being seven times the
4 allotted size. That's way out of balance.
5 And I was inclined to go with them on
6 that. Then I thought these signs don't
7 look like they go anywhere close to 55.75
8 square feet. So somewhere along the line
9 somebody must have gotten some signage you
10 might have had early on in the process,
11 because even at two feet 10 inches and 13
12 feet in height, that would still be well
13 short of 55.75. So unless you counted
14 both sides and added them up, that would
15 make no sense.

16 So hearing the Chair, hearing the
17 Commissioners conflicted as I am, by -- as
18 Commissioner Bell stated, by the fact that
19 you've got 58.33% vacancies, I initially
20 was going to throw out the figure -- and
21 I'm glad that, Madam Chair, it seems like
22 we can do it sort of by compromising here,
23 a very low figure. Counselor, you
24 wouldn't have been happy with my initial
25 figure, but it's been kind of changed by

1 my colleagues as they spoke about the
2 unemployment rate. They spoke about the
3 fact that this is an urban center. I
4 initially thought one and a half by six,
5 that would have been nine feet -- square
6 feet, which is a heck of a lot closer to
7 the requirement.

8 But I'm impressed with the argument
9 that -- Madam Chair and colleagues, that
10 if you start from a height of 17 feet
11 projecting out onto the sidewalk and you
12 limit it to eight feet, I think, Mr.
13 LaFerrier, that we are at a maximum of 25
14 feet, if it's eight by two. 25 feet would
15 still -- would not project over the single
16 balcony, even the lowest balcony, so that
17 they could look out and -- unless they
18 look down, they're not going to see the
19 sign.

20 And so I would be inclined to propose
21 that two by eight be the maximum and never
22 to exceed 25 feet in height. And
23 beginning at 17 feet, that gets you an
24 extra eight feet and two in width.

25 And with that, I'll make that into a

1 motion, with that proviso.

2 COMMISSIONER HEYMAN: Second.

3 VICE CHAIRWOMAN EDMONSON: Okay.

4 It's been moved and second.

5 Mr. Attorney?

6 MR. COLLIER: I'm a little bit
7 concerned about the numbers.

8 VICE CHAIRWOMAN EDMONSON: Would you
9 help me with this as well. I need your
10 help on this.

11 MR. COLLIER: I'm a little concerned
12 about the numbers, and I want to make sure
13 that the Department understands the
14 numbers, because they're ultimately going
15 to be the ones that approve this.

16 COMMISSIONER SUAREZ: Very simply 16
17 square feet, two by eight, maximum two
18 feet projection out, because even though
19 they're translucent, if they stick out too
20 much, you're not going to be able to see
21 through them particularly well. And never
22 to reach any higher than 25 feet, which is
23 eight feet above 17, which is the lowest
24 level I think any of them project out from
25 -- in cantilever fashion.

1 MR. COLLER: I just want to check
2 with the Director on -- is that consistent
3 with -- is that within the advertisement
4 as far as that maximum height of 25 feet
5 high? Is that the appropriate calculation
6 based upon what we advertised?

7 MR. LaFERRIER: It's within the
8 limitations of the variances that were
9 requested. Basically, what's being
10 proposed is the signs would be smaller in
11 all cases.

12 MR. COLLER: So it's two feet by
13 eight -- eight feet, two feet projection
14 and a maximum height of 25 feet.

15 COMMISSIONER SUAREZ: Correct.

16 MR. COLLER: That's --

17 COMMISSIONER SUAREZ: That would be
18 the lowest that they are is 17 feet, Madam
19 Chair, so eight feet higher than that
20 would be 25, which I gather would not
21 exceed any of the balconies.

22 VICE CHAIRWOMAN EDMONSON:
23 Commissioner, would you yield to
24 Commissioner Moss? He has a point of
25 order.

1 COMMISSIONER SUAREZ: Yes, yes.

2 COMMISSIONER MOSS: Just a quick
3 question: Does that also take into
4 consideration the limitation on the signs
5 not being higher than the balcony or the
6 railing?

7 COMMISSIONER SUAREZ: That was the
8 intention, Commissioner, Madam Chair.

9 MR. FERNANDEZ: Commissioner Suarez.

10 COMMISSIONER SUAREZ: That it would
11 not exceed 25 feet, because if you go from
12 17, plus 8, it would never reach a point
13 higher than any of the balconies.

14 MR. FERNANDEZ: Madam Chair.

15 VICE CHAIRWOMAN EDMONSON: One
16 second, please.

17 MR. FERNANDEZ: Thank you.

18 VICE CHAIRWOMAN EDMONSON: Okay. Mr.
19 LaFerrier.

20 MR. LaFERRIER: I just wanted --
21 excuse me, I just wanted to clarify the
22 Commissioner's statement.

23 The signs would begin at 17 feet,
24 which is within the requested variance.
25 And then the actual banner itself would be

1 no greater than two feet wide and eight
2 feet tall.

3 COMMISSIONER SUAREZ: Correct.

4 MR. LaFERRIER: Okay. That's within
5 the restrictions of the variance.

6 VICE CHAIRWOMAN EDMONSON: So that's
7 in the restrictions of the variance?

8 MR. LaFERRIER: That's right. So
9 that motion -- that motion would be within
10 the advertised variances. It's less than,
11 more restrictive than the variance that
12 was requested and advertised.

13 VICE CHAIRWOMAN EDMONSON: Okay.

14 COMMISSIONER SUAREZ: Madam Chair, it
15 looks like they want to sort of negotiate
16 among them. If that's --

17 VICE CHAIRWOMAN EDMONSON: That's
18 what I was asking of you.

19 MR. FERNANDEZ: Madam Chair, if I
20 may, I think everyone has been listening
21 to the comments. And, Mr. Molder, if he
22 can approach the stand, I think that there
23 may be a compromise and the neighbors --

24 VICE CHAIRWOMAN EDMONSON: Mr.
25 Molder, would you take the other lectern,

1 please.

2 MR. MOLDER: Thank you, Madam Chair.

3 I think -- I think I lost my
4 president for Building D. He's not here
5 anymore, but Mr. Donelan just advised me,
6 on behalf of A and B -- and of course, you
7 know, because we're governed by Chapter
8 718, and, you know, they have to act as a
9 board for this, but I don't believe there
10 would be an objection from A and B at
11 least, that's all I can tell you right
12 now --

13 VICE CHAIRMAN EDMONSON: I
14 understand.

15 MR. MOLDER: And I don't know what
16 the numbers come out. I'm not very good
17 at the math. I don't know where the
18 building starts. But if there was
19 something, limiting or some kind of
20 condition that said the top of the banner,
21 of any banner, would not exceed the
22 railing height of the first level, I don't
23 believe that would be objectionable to A
24 and B.

25 MR. FERNANDEZ: May I just add a

1 friendly amendment to that? When
2 immediately abutting a balcony. Obviously
3 if it's --

4 VICE CHAIRWOMAN EDMONSON: Need to go
5 through the Chair.

6 MR. FERNANDEZ: If it's next to a
7 balcony.

8 VICE CHAIRWOMAN EDMONSON: Okay, wait
9 a minute. Have you all come to an
10 agreement? Because what we can do is that
11 you all can go outside, come to some sort
12 of agreement and I will not close this
13 out. We'll move on to the next one. And
14 after we're done with the next item, we'll
15 bring you back and then you come back with
16 an agreement.

17 MR. FERNANDEZ: Excellent.

18 VICE CHAIRWOMAN EDMONSON: How's
19 that?

20 MR. FERNANDEZ: That's very good.
21 Thank you, Madam Chair.

22 MR. MOLDER: Perfect.

23 VICE CHAIRWOMAN EDMONSON: Why don't
24 you all -- I don't think we have to defer
25 it. Mr. Attorney, how do you handle this?

1 MR. COLLIER: Well, we're not going to
2 defer it. We're just going to allow them
3 to meet and then take up another item.

4 VICE CHAIRWOMAN EDMONSON: Right, and
5 then come back. So go ahead, we'll go on
6 to the next item and then I'll call you
7 back in.

8 Is there any place where they can
9 meet, Mr. Director? The media room?
10 Everybody is calling the media room.
11 Okay, the media room. Can the
12 sergeant-at-arms direct them to the media
13 room, so they can have some privacy.

14 * * * * *

15 VICE CHAIRWOMAN EDMONSON: Okay, I
16 think they're ready, too.

17 MR. FERNANDEZ: Thank you --

18 VICE CHAIRWOMAN EDMONSON: Yes.

19 MR. FERNANDEZ: -- Madam Chair.
20 We're very close. We're down to
21 discussing just a couple of -- there's
22 four signs at issue, four locations, and I
23 think we've reached an agreement on two of
24 those. There's two that we're still
25 talking about.

1 And what we'd like to ask for is that
2 you defer this to the next available
3 agenda, so that we can come back to you
4 with a revised plan and a specific
5 proposal instead of just creating a
6 condition.

7 VICE CHAIRWOMAN EDMONSON: Okay. The
8 District Commissioner is not here. Anyone
9 want to move --

10 COMMISSIONER JORDAN: Move to defer.

11 VICE CHAIRWOMAN EDMONSON: Thank you,
12 Commissioner Jordan.

13 COMMISSIONER HEYMAN: Second.

14 VICE CHAIRWOMAN EDMONSON: Second.
15 It's been moved and second for a deferment
16 until the 20th.

17 Anyone wish to record no on that
18 deferment? Thank you. The item is
19 deferred until the 20th, sir.

20 MR. FERNANDEZ: Thank you.

21 COMMISSIONER BELL: Madam Chairman, I
22 want to thank you very much for being so
23 willing and available to communicate with
24 the community. That says a lot for you.

25 MR. FERNANDEZ: Thank you,

1 Commissioner Bell.

2 VICE CHAIRWOMAN EDMONSON: Yes, it
3 do.

4 MR. FERNANDEZ: Thank you.

5 VICE CHAIRWOMAN EDMONSON: Okay, any
6 other business?

7 MR. COLLIER: Motion to adjourn is
8 always --

9 COMMISSIONER BELL: Second.

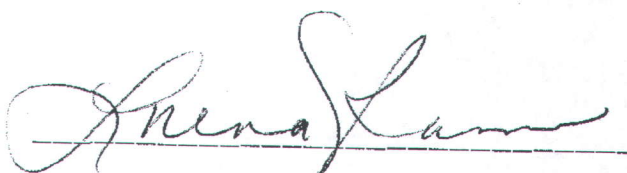
10 VICE CHAIRWOMAN EDMONSON: Motion to
11 adjourn. Meeting adjourned.

12 (Thereupon, the hearing on Downtown
13 Dadeland Retail, LLC, Item #Z10-044, was
14 concluded).
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CERTIFICATE OF REPORTER

I, Lorena Ramos, National Registered Professional Reporter and Florida Professional Reporter, do hereby certify that I was authorized to and did report the hearing of DOWNTOWN DADELAND RETAIL, Item #Z10-044, before the Board of County Commissioners, on the 6th day of October 2011, and that the transcript, pages 1 through 99, is a true and correct record of my stenographic notes.

DATED this 10th day of October 2011 at Miami-Dade County, Florida.

A handwritten signature in cursive script, appearing to read 'Lorena Ramos', is written over a horizontal line.

LORENA RAMOS, RPR & FPR

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